

Orting Municipal Court  
Local Court Rules

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OMCLR 1.1  
ADOPTION OF LOCAL RULES

These rules are adopted pursuant to GR 7, CrLJ 1.7, and IRLJ  
1.3. The effective date of these rules shall be September 1st, 2006.

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OMCLR 1.2  
TITLE OF RULES

These rules may be known and cited as Orting Municipal Court Local  
Rules and shall be referred to as OMCLR.

(Effective: September 1st, 2006)

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OMCLR 1.3  
EFFECT OF LOCAL RULES

The provisions of the Local Rules are supplemental to the Rules for  
Courts of Limited Jurisdiction as adopted or hereafter amended by  
the Supreme Court of the State of Washington and shall not be  
construed in conflict with them.

(Effective: September 1st, 2006)

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OMCLR 1.4  
RESERVATION OF DISCRETION

The Orting Municipal Court reserves the authority to interpret and/or suspend or modify these rules in individual cases on motion of a party for good cause or on a motion of the Court in the interest of justice and/or the efficient operation of the Court.

(Effective: September 1st, 2006)

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OMCLR 1.5  
JUDICIAL DAY

As used in these rules, unless the context clearly requires otherwise, "Judicial Day" when not otherwise defined by statute or court rule, means every first and third Tuesday of the calendar month, or another date determined by the Judge upon which the regular sessions of the Court are set.

(Effective: September 1st, 2006)

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OMCLR 1.6  
NEXT JUDICIAL DAY

The requirement of RCW 46.61.50571 that defendants arrested for driving while under the influence, driving under age twenty-one after consuming alcohol, or being in physical control of a vehicle while under the influence appear in court within one judicial day is waived. All such defendants shall be required to appear at the earliest practicable day following arrest, such date being defined as the first date following arrest when court is in session.

(Effective: September 1st, 2006)

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OMCLR 1.7  
SCHEDULE OF FEES

The following shall be the schedule for fees charged for certain official services provided by the Municipal Court. These fees are consistent with RCW 3.62.060:

Duplication of Electronic Records	\$10.00 per tape
Paper Copy Expenses	\$ .50 per page
Certified Copy	\$ 5.00 per document
Postage	Actual Cost
Appeals (Preparation)	\$40.00
Appeals (Tapes)	\$10.00 per tape

(Effective: September 1st, 2006)

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OMCLR 2.1  
QUASHING WARRANTS

(A) The defendant or defendant's attorney may schedule a hearing to quash a warrant, either in person or by telephone, but the warrant will not be stayed or quashed and the defendant will still be subject to arrest on the warrant until the defendant has appeared in open court and the Judge has quashed the warrant.

(B) A hearing to consider the request to quash a warrant will be scheduled not later than the next regularly scheduled Judicial Day following the request. However, a defendant or defendant's attorney may stay or quash a warrant, or request a hearing later than the next regularly scheduled Judicial Day, by paying an administrative fee of \$100.00 to the Court.

(C) In any case wherein Bond or Bail has been posted to ensure the defendant's appearance and the said Bond or Bail has been ordered forfeited by the Court, no warrant shall be stayed or quashed except by the appearance of the defendant before the Court or surrender of the defendant to jail.

(Effective: September 1st, 2006)

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OMCLR 2.2  
DELEGATING AUTHORITY TO CANCEL WARRANTS AND FTA'S AND TO RESCIND  
DELINQUENT CHARGES

In addition to the Judge, the Court Clerk and Assistant Court Clerk are hereby granted authority to allow the rescheduling of time payments, to cancel arrest warrants, and to rescind delinquent charges on warrants and FTA's reported to the Department of Licensing.

(Effective September 1st, 2006)

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OMCLR 2.3  
EXONERATION OR FORFEITURE OF POSTED BAIL OR BOND

(A) When a bench warrant has been issued, if there has been any bail or bond posted by or for the benefit of the defendant, then that bail or bond shall be forfeited without any further order of the Court. If cash bail was posted subsequent to the issuance of a bench warrant, the court clerk is authorized to deduct a warrant fee prior to refunding bail.

(B) When a case is dismissed or sentence imposed, then any bail or bond posted for the defendant shall be returned to the individual who posted the bail or bond unless bail or bond has already been forfeited subject to RCW 10.19.140.

(Effective: September 1st, 2006)

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OMCLR 2.4  
BAIL FORFEITURES FOR SPECIFIC CRIMES

The Court has considered the judicial efficiencies and the fairness to individuals charged with specific crimes, i. e., DWLS 3rd Degree, and finds that it is in the interest of justice to allow bail forfeitures to this charge and authorizes the court clerk to cite this local rule as written reason for allowing bail forfeitures and final disposition in accordance with the following schedule:

First Offense	\$150
Second Offense within three years	\$250
Third Offense within three years	\$500

Fourth or subsequent Offense within five years Bail Forfeiture is not authorized.

The defendant must post the full amount of bail with the court before the Court will permit bail forfeiture as final disposition of any offense. Provided, however, that a defendant with no prior DWLS 3rd Degree offenses within the past three years who shall present to the court a valid driver's license prior to their scheduled court date shall have their charge amended to No Valid Operator's License on Person with ID and shall pay \$125 in penalties.

(Effective: September 1st, 2006)

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OMCLR 3.1  
MANDATORY INSURANCE

(A) If a person who has been cited with the violation of RCW 46.30.020 presents to the court clerk evidence that the person had in effect at the time of violation liability insurance as required by statute, then, upon payment of \$25.00 administrative costs, the case shall be dismissed and the court clerk shall be authorized to make appropriate notation of dismissal in the court file.

(B) If a person is charged with the violation of RCW 46.30.020, for failure to have liability insurance is able to show evidence that prior to any scheduled hearing the person has subsequently obtained liability insurance in conformity with the requirements of RCW 46.30.020, then the penalty for the first offense shall be reduced to \$100; for the second offense the penalty shall be reduced to \$200; and for the third offense the penalty shall be reduced to \$300. No further court appearance shall be required. If a person has more than three prior offenses within 5 years the court clerk may make no reduction in the penalty.

(Effective September 1st, 2006)

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OMCLR 3.2  
EXPIRED VEHICLE LICENSE

(A) If a person is charged with the violation of RCW 46.16.010.3.L (Expired Vehicle Registration Less than Two Months) is able to provide proof prior to any scheduled hearing the person has subsequently obtained a valid registration then the penalty shall be reduced to \$65.00 and a finding of committed entered.

(B) If a person is charged with the violation of RCW 46.16.010.3.O (Expired Vehicle Registration Over Two Months) is able to provide proof prior to any scheduled hearing the person has subsequently obtained a valid registration then the penalty shall be reduced to \$100 and a finding of committed entered.

(Effective September 1st, 2006)

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OMCLR 3.3  
REQUIREMENTS FOR REQUESTING A HEARING AFTER FAILURE TO RESPOND OR  
APPEAR

(A) If a defendant who has failed to appear or respond to a notice of infraction on not more than one occasion requests the Court set/reset his/her case for a hearing, the court clerk shall be authorized to set a date for such requested hearing, and retrieve/recall FTA's from the Department of Licensing reflecting the failure to respond or appear, if any was sent, on the following conditions:

(1) The defendant, within 30 days of the date by which a request for hearing should have been received by the Court, delivers to the Court an envelope containing his/her request for a hearing, with a postmark indicating that the envelope was addressed and mailed to the Court within the time frame for requesting a hearing, and with the envelope indicating that it was returned to the defendant, for whatever reason; or,

(2) The Court, within 30 days of the date by which a request for hearing should have been received by the Court, receives in the mail an envelope containing the defendant's request for a hearing, with the envelope showing a postmark indicating that the envelope was mailed to the Court within the time frame for requesting a hearing.

(B) In those cases where a defendant has failed to appear or respond through his/her own neglect, and less than 60 days has elapsed since the court should have received the request for a hearing or the date of the hearing, the defendant may request a hearing and such hearing shall be scheduled upon payment of an administrative fee of \$25.00. If the failure to appear/respond was reported to the Department of Licensing, the Defendant shall pay the appropriate fail to appear/respond fee in addition to the administrative fee to remove the FTA from Department of Licensing records.

(C) In all other cases, the defendant may file a motion in writing requesting that said judgment be set aside with a payment of the applicable failure to respond or appear fee and \$25.00 administrative fee. Upon receipt of the written request for hearing and payment of the applicable fees the clerk of the court shall set or reset a hearing for the defendant and shall recall/retrieve FTA's from the Department of Licensing reflecting the failure to respond/appear, if any was sent.

(Effective: September 1st, 2006)

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OMCLR 3.4  
DECISION ON WRITTEN OR ELECTRONICALLY FILED STATEMENTS

(A) Request for Decision on Written or Electronically Filed Statement. If the defendant submits a timely request for a hearing to contest or mitigate an infraction, the defendant may elect to seek a decision on written or electronically filed statement pursuant to IRLJ 3.5. A person who elects to contest or mitigate an infraction by decision on written or electronically filed statement shall be deemed to have waived an in-court hearing to contest or mitigate the infraction in person.

(B) Time for Submitting Request for Decision on Written or Electronically Filed Statement. The request for a decision by written or electronically filed statements shall be submitted not less than five days prior to the date set for the in-court hearing.

(C) Declaration for Written or Electronically Filed Statement Required. A defendant wishing to proceed by decision on written or electronically filed statement shall provide a written

statement which sets forth the facts and/or defense(s) that the defendant would like the Court to consider. A written or electronically filed statement submitted pursuant to this rule shall be submitted by declaration as follows: "I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct," and shall be in substantially the following form:

NAME OF DEFENDANT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

INFRACTION NUMBER: \_\_\_\_\_

VIOLATION DATE: \_\_\_\_\_

I wish to mitigate / contest the infraction.

STATEMENT:

I declare under penalty of perjury under the laws of the State of Washington that the above statement is true.

I promise that if it is determined that I committed the infraction for which I was cited, or costs are assessed, I will pay the monetary penalty and/or costs authorized by law and assessed by the court.

Executed this \_\_\_\_ (day) of \_\_\_\_\_ (month), \_\_\_\_ (year),  
at \_\_\_\_\_ (place)

\_\_\_\_\_  
Signature or Electronic ID number (as provided by the Court)

(D) Factual Determination. The Court shall determine whether the plaintiff has proved by a preponderance of all evidence submitted that the respondent has committed the infraction if contested.

(E) Disposition. If the Court determines that the infraction has been committed, it may assess a penalty in accordance with IRLJ 3.3. If the Court defers a finding for a specified period of time on certain conditions, it may assess an administrative fee to process the infraction notice.

(F) Notice to Parties. The Court shall notify the parties in writing whether the infraction was found to be committed, deferred, or dismissed and what penalty or administrative fee, if any, was imposed.

(G) No appeal permitted. There shall be no appeal from a decision made upon written or electronically filed statements.

(Effective: September 1st, 2006)

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